

# EXHIBIT 3

**AFFIDAVIT OF EDUARDO SAENZ NINO**

**COUNTY OF ECTOR**                     )  
  )  
**STATE OF TEXAS**                    )       **ss:**

EDUARDO SAENZ NINO, being first duly sworn, appeared before the undersigned authority duly designated to administer oaths, and states aa follows:

My name is Eduardo Saenz Nino. I am a resident of Ector County, Texas. I am over 18 years of age and am otherwise competent to give this affidavit. No promises or agreements have been made to me in exchange for this statement, and I do not expect any in the future. This affidavit is based on my personal knowledge.

1. I have knowr. Michael Gonzales since we were both about 11 years old. Michael is also known by the nickname "Spider." I have also known Jesse Perkins, Daniel Lugo, and Julian Olivarez for many years.

2. In the early part of 1994, I was in jail in Lubbock County. I was arrested in the fall of 1993 and put in the Ector County jail. Not too long after that, I was transferred to Lubbock County because of overcrowding in Ector County. Toward the end of April, I was released from the Lubbock County jail. My mother picked me up and drove me back to Odessa.

3. Not long after I got back, I went by Michael's house, but he was not there. I knew Adonica, whose last name is now Nunez, would know abut Michael, so I went to see her. She told me that the old couple living next to Michael, the Aguirres, had just been murdered. That is all she knew. She didn't know where Michael was. I then went over to Julian Olivarez's house to try to find out what was going on.

4. Jesse Perkins was at Julian's house when I got there. We talked for a while, and then Jesse told me that he and Julian and Daniel Lugo broke into the Aguirres' house to look for guns. Jesse told me that when they got into the house, he (Jesse) attacked the old lady first, and when the old man tried to defend her, he got stabbed. Jesse said that they took the older lady to the restroom and then brought her back to the area where she was stabbed (by Jesse).

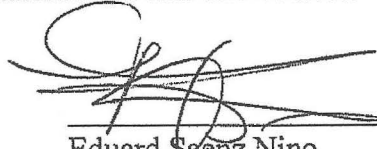
5. I have knowr. Perkins and Olivarez since we were kids. We grew up together and have done a lot of things together. Jesse has always loved to brag about what he has done or is going to do. When he told me about the murder of the Aguirres, that is just the kind of person he is. I don't understand why Julian didn't say he had nothing to do with this if he didn't. Julian just waved his hand and said Jesse was crazy, but he never said what Jesse was saying was not true.

6. When I was with them, I noticed Jesse had a cloth wrapped around the palm of his left hand up to his wrist. Jesse said he got cut inside the Aguirres' house and got blood all over his shirt. He said "Spider" gave him the flannel shirt he (Jesse) was wearing.

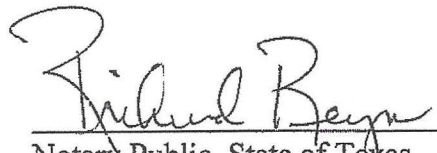
7. Jesse said they were going to give "Spider" a pistol they took from the Aguirres' house to set him up.

8. Until recently, I took no steps to tell anyone about this who was helping "Spider" with his case. I was too concerned about my own problems back then. About two months after I learned from Jesse what had happened to the Aguirres, I was arrested again and sent to state prison for a number of years. From there I went to federal prison. I forgot about this until August of last year when an investigator named Richard Reyna was talking to Ruby Luna, the mother of my girlfriend, and I happened to be at her house. When I heard them talking about "Spider," my memory was jarred, and I started talking with Mr. Reyna about what I remembered.

Under oath, I swear that the foregoing statement is true and correct.

  
Eduard Saenz Nino

SWORN and SUBSCRIBED before me in Ector County, Texas, this 2<sup>nd</sup> day of February 2022.

  
Notary Public, State of Texas  
My commission expires August 22, 2022

